3/16/72

Mr. Fred Graham
The New York Times
1920 L St., NW
Washington, D.C.

Dear Fred,

John Mitchell's secretary, not a device to embarrass you, sponsors this letter and and the time it all takes. His Department is your best, if the hearings are not.

You will remember that when you phoned me in January I reminded you that when I had filed my Civil Action 718-70 to get the official copies of the affidavits used to get James Earl Ray extradicted from London, I phoned the Times, spoke to Tom Wicker, who was about to leave, and at his suggestion left a message for you. You claimed not to have gotten it. However, it was not unknown in the Times office, and that night I got a call from a reporter unknown to me thanking me for using the law and expressing the regret that the major media would not. We've covered a small piece on this.

Prior to filing that action, under this mechanism of the Department, I asked Kleindienst for these official and public records, what the law defines as "public information." He lied repeatedly and without any possibility of doubt. Mr. Mitchell shows indignant at the suggestion that Kleindienst would be considered even capable of lying, but he has personal knowledge in this case.

Kleindienst first lied in saying he did not have these records. He then lied in saying they were records of the British government rather than ours. He lied still again in saying that even if he had these records, they would be exempt under the law as investigative records, a rather exotic interpretation of court records for a man who would be Attorney General. When we wrote Kleindienst giving him to understand that we knew and could prove he was lying, his curt reply was that he adhered to his expressed position, those lies.

Among the proofs that Kleindienst did lie and did it knowingly is a letter from the State Department saying it has given these records to Kleindienst. Of course, we know that Justice and State both had their files copies, but these are the records confiscated from the British court, I think an unheard of precedent in Anglo-Saxon jurisprudence. And a pending element of which I am reminded by Paul Valentine's story in this morning's Post, when Kleindienst marshaled his preventive-detention law through, his big gun was the judge who had permitted the confiscation of the only official copy of these records outside the possession of the United States Government, Chief Judge Frank Hilton, of the Dear St. Magistrate's Court.

Justice stalled until the moment of hearing after I filed. Mitchell immediately then overruled Kleindienst and directed that the files be given to me. He then also records his knowledge that Kleindienst is a liar and on a basic legal right, something I wish had been a factor in consideration of his appointment. Here then not-exceptional political considerations. I believe this is a measure of what can be expected of him as Attorney General. Mitchell's and all the other letters are on file in federal district court in Washington. As you know, I can give you copies, but as I know you have a reluctance in getting anything from me, especially when it is pertinent to your work and you call to ask for it.

The story does not end there. For those running contempt of the order of a federal judge and what I believe is perjury, affidavit submitted by Kleindienst, are still in his behalf. Justice stalled so long in delivering what I had asked and paid for I had to go to court anyway. Judge Gesell chewed the Justice attorney, Anderson, out in court. Anderson defended himself by saying Kleindienst had not even given him to get copies that was withheld until the

eight before. Curran, noting that copying takes ten minutes, gave Justice a week to deliver. When it had not on the eight day I appeared in court and got a summary judgment. You have not reported any scandal against the Department of Justice, which, naturally, make this not noteworthy. I don't know how any Deputy Attorneys General have arranged for any, but this one candidate for Attorney General did, and if nothing else it is a unique self-portrayal of unparalleled arrogance.

Anderson

Parenthis, several days later and before he had given me anything, filed an affidavit with the court swearing that he had, in fact, delivered part of what was withheld to me in person in court. Aside from the improbability of the judge ordering the delivery in his presence of what he claimed under oath to have delivered or his silence in the face of it, Paul Valentine happened to be in that court with me at that time and can and will attest that not only was I not given this but was refused it and that he, Paul, drove me from the court to my lawyer's office on his way back to the Post. Moreover, when it was ultimately mailed by Anderson's superior, it was with a dated, covering letter I also have. Thus Justice itself provided proof that its lawyer did con it perjury (for Kleindienst). Nothing could be more relevant in the suit or to the order than this, since I believe it is perjury. I have charged it to Mitchell and Kleindienst without response. Not even pro forma denial.

What is no less incredible is that in a number of letters from Justice in this case, not a single one is truthful. I have them all and you can reach your own conclusions on this should it interest you.

And what bears on the kind of Attorney General Kleindienst can be expected to be is what happened to those public, court records confiscated and delivered to him, one of the records withheld from me and the subject of the Anderson perjury: it was classified! A public record, produced by our government in court and then confiscated, was classified and withheld as an investigatory file!

If this did not deal with no evil political considerations, I venture to suggest that it might be the subject of more news and historical interest today. And I offer the also-unsolicited opinion that at every stage this suit and what happened in it was legitimate news. The subject qualified it, as did the fact that this was the first case filed by a writer under the law, if not the incredible official record.

That it was and remains totally unreported by the Times and by you, for if you never got the message I left for you at Wicker's suggestion, we did discuss this in January and Kleindienst has been in the news ever since, most recently with Mitchell's feigned indignation that anyone could conceive his noble Deputy could do so terrible a thing as lie.

Kleindienst as Deputy was in direct charge of all FOI requests. In all those cases I have filed perjury was involved. The proof is available for your examination. Four out 1/3 story contains proof of one of several perjuries in the case relevant to that.

Mitchell has charged you and the Post with irresponsibility. Both the Times and the Post know of this entire sordid affair. They will, in the end, establish the legitimacy of Mitchell's statement, if not with the subject he addressed. I wish I could believe that even after attack, normal news concepts would over-ride policy determinations of what is or, indeed, can be news.

Sincerely,

Harold Weisberg